

---

**TITLE 71 INDIANA HORSE RACING COMMISSION**

**Emergency Rule**

LSA Document #13-567(E)

**DIGEST**

Amends [71 IAC 1-1-23](#), "complaint" defined. Amends [71 IAC 1.5-1-23](#), "complaint" defined. Amends [71 IAC 2-5-1](#), employees. Amends [71 IAC 3-2-3](#), disciplinary action. Amends [71 IAC 3.5-2-3](#), disciplinary action. Amends [71 IAC 5-1-13](#), license denial. Amends [71 IAC 5-3-1](#), eligibility. Amends [71 IAC 5.5-3-1](#), eligibility. Adds [71 IAC 8.5-8-2](#), physical inspection of horses. Amends [71 IAC 10-2-3](#), summary suspension. Amends [71 IAC 10-2-7](#), ruling. Repeals [71 IAC 3-1-5](#) and [71 IAC 3.5-1-6](#). Effective December 23, 2013.

[71 IAC 1-1-23](#); [71 IAC 1.5-1-23](#); [71 IAC 2-5-1](#); [71 IAC 3-1-5](#); [71 IAC 3-2-3](#); [71 IAC 3.5-1-6](#); [71 IAC 3.5-2-3](#); [71 IAC 5-1-13](#); [71 IAC 5-3-1](#); [71 IAC 5.5-3-1](#); [71 IAC 8.5-8-2](#); [71 IAC 10-2-3](#); [71 IAC 10-2-7](#)

SECTION 1. [71 IAC 1-1-23](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 1-1-23](#) "Complaint" defined**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 23. "Complaint" means a written statement: ~~submitted to the judges or commission about an issue relating to the conduct of racing.~~

- (1) **on a form prescribed by the commission;**
- (2) **signed by the complainant; and**
- (3) **filed with the commission.**

(Indiana Horse Racing Commission; [71 IAC 1-1-23](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))

SECTION 2. [71 IAC 1.5-1-23](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 1.5-1-23](#) "Complaint" defined**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 23. "Complaint" means a written statement: ~~submitted to the stewards or commission about an issue relating to the conduct of racing.~~

- (1) **on a form prescribed by the commission;**
- (2) **signed by the complainant; and**
- (3) **filed with the commission.**

(Indiana Horse Racing Commission; [71 IAC 1.5-1-23](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))

SECTION 3. [71 IAC 2-5-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 2-5-1](#) Employees**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-7-9](#)

Sec. 1. (a) The commission shall employ an executive director and an assistant executive director who shall employ other employees necessary to implement, administer, and enforce the Act.

(b) The executive director and assistant executive director shall maintain the records of the commission and shall perform other duties as required by the commission. Except as otherwise provided by these rules, if a rule of the commission places a duty on the executive director, the executive director may delegate that duty to another employee of the commission. The commission, the executive director and the assistant executive director may not employ or continue to employ a person:

- (1) who owns a financial interest in an association in this jurisdiction;
- (2) who accepts remuneration from an association in this jurisdiction, unless otherwise approved by the commission or the executive director;
- (3) who is an owner, lessor, or lessee of a horse that is entered in a race in this jurisdiction; or
- (4) who accepts or is entitled to a part of the purse or purse supplement to be paid on a horse in a race held in this jurisdiction.

(c) ~~Commission employees shall not~~ **No person identified in [IC 4-31-7-9](#) may** wager directly or indirectly on live racing or on any simulcast races received at an Indiana track or satellite facility at any time.

(d) The executive director, assistant executive director, director of security, stewards, and judges shall not wager directly or indirectly on any gambling game located on association grounds at any time.

(e) The commission shall appoint the judges at each racing meeting.

*(Indiana Horse Racing Commission; [71 IAC 2-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 4. [71 IAC 3-2-3](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 3-2-3](#) Disciplinary action**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 3. (a) The judges shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The judges shall have authority to do the following:

- (1) Charge any licensee for a violation of these rules.
- (2) Conduct hearings.
- (3) Impose disciplinary action in accordance with these rules.

(c) The judges may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The judges may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The judges have the power to administer oaths and examine witnesses.

(f) The judges shall submit a written report to the commission of every inquiry and hearing.

(g) The judges may impose, but are not limited to, any of the following penalties on a licensee for a violation of

the Act or these rules:

- (1) Issue a reprimand.
- (2) Assess a fine.
- (3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
- (4) Place a licensee on probation.
- (5) Suspend a license or racing privileges.
- (6) Exclude from grounds under the jurisdiction of the commission.
- (7) Any relief deemed appropriate.

(h) The judges may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.

(i) The judges may:

- (1) suspend a license for not more than ~~sixty (60) days~~ **one (1) year** per violation;
- (2) impose a fine not to exceed ~~one five thousand dollars (\$1,000)~~ **(\$5,000)** for each violation;
- (3) suspend and fine; or
- (4) order that a person be ineligible for licensing.

(j) A ruling of the judges shall not prevent the commission from imposing a more severe penalty.

(k) The judges may refer any matter to the commission and may include recommendations for disposition. The absence of a judges' referral shall not preclude commission action in any matter.

(l) Purses, prizes, awards, and trophies shall be redistributed if the judges or commission order a change in the official order of finish.

(m) All fines imposed by the judges shall be paid to the commission in accordance with [71 IAC 7-5](#).

*(Indiana Horse Racing Commission; [71 IAC 3-2-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 5. [71 IAC 3.5-2-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 3.5-2-3](#) Disciplinary action**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 3. (a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to do the following:

- (1) Charge any licensee for a violation of these rules.
- (2) Conduct hearings.
- (3) Impose disciplinary action in accordance with these rules.

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The stewards have the power to administer oaths and examine witnesses.

- (f) The stewards shall submit a written report to the commission of every inquiry and hearing.
- (g) The stewards may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:
- (1) Issue a reprimand.
  - (2) Assess a fine.
  - (3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
  - (4) Place a licensee on probation.
  - (5) Suspend a license or racing privileges.
  - (6) Exclude from grounds under the jurisdiction of the commission.
  - (7) Any relief deemed appropriate.
- (h) The stewards may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.
- (i) The stewards may:
- (1) suspend a license for not more than ~~sixty (60) days~~ **one (1) year** per violation;
  - (2) impose a fine not to exceed ~~one five thousand dollars (\$1,000)~~ **(\$5,000)** for each violation;
  - (3) suspend and fine; or
  - (4) order that a person be ineligible for licensing.
- (j) A ruling of the stewards shall not prevent the commission from imposing a more severe penalty.
- (k) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter.
- (l) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.
- (m) All fines imposed by the stewards shall be paid to the commission in accordance with [71 IAC 7.5-9](#).
- (Indiana Horse Racing Commission; [71 IAC 3.5-2-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 6. [71 IAC 5-1-13](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5-1-13](#) License denial**

**Authority:** [IC 4-31-6-2](#)

**Affected:** [IC 4-31](#)

Sec. 13. ~~The commission, the judges, or the executive director as the commission's designee may formally deny an application in accordance with these rules.~~ If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, ~~the judges (or an administrative law judge if the judges are unavailable)~~ shall conduct a hearing pursuant to the procedures provided for in [71 IAC 10](#). Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action. **The commission may formally deny an application in accordance with these rules.** An application which is denied shall:

- (1) be reported in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and
- (2) be reported to the USTA and the ARCI, which shall then advise other racing jurisdictions.

*(Indiana Horse Racing Commission; [71 IAC 5-1-13](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 7. [71 IAC 5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5-3-1](#) Eligibility**

**Authority:** [IC 4-31-6-2](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

(1) Be at least eighteen (18) years of age.

(2) Shall hold a currently valid trainer's license issued by the USTA or CTA. Applicants holding CTA licenses only must provide a complete CTA ruling history from that organization to the Indiana horse racing commission judges prior to being licensed.

(3) Be qualified, as determined by the judges or other commission designee, by reason of experience, background, and knowledge of racing.

(b) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills administered by the USTA/CTA or their designee.

(c) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the judges. Each trainer shall comply with all licensing requirements.

(d) The commission ~~or its designee~~ may refuse, deny, suspend, or revoke a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.

**(e) The commission's designee may refuse a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person.**

~~(e)~~ **(f)** To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the judge's list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of [71 IAC 7-1-35](#).

*(Indiana Horse Racing Commission; [71 IAC 5-3-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 8. [71 IAC 5.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5.5-3-1](#) Eligibility**

**Authority:** [IC 4-31-6-2](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

- (1) be at least eighteen (18) years of age; and
- (2) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and knowledge of racing.

(b) A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:

- (1) A written examination.
- (2) An interview or oral examination.
- (3) A demonstration of practical skills in a barn test.

(c) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills, administered by the stewards, prior to being licensed as a trainer.

(d) Each licensed trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership of a horse registered with the racing secretary shall be approved by the stewards. Each owner shall comply with all licensing requirements.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the stewards. Each trainer shall comply with all licensing requirements.

(f) ~~The commission or its designee may refuse, deny, suspend, or revoke a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.~~

**(g) The commission's designee may refuse a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person.**

~~(g)~~ **(h)** To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the stewards' list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of [71 IAC 7.5-5-2](#).

~~(h)~~ **(i)** Beginning in 2014, ~~2013~~, trainers must demonstrate, prior to licensure, that they have attended a ~~three (3)~~ **four (4)** hour continuing education course approved by the commission within the past two (2) calendar years. Trainers completing an approved continuing education course in 2011 or 2012 will have met this requirement through the 2014 racing season. The continuing education requirement does not apply to trainers who have started horses six (6) or fewer times in Indiana the previous year. Such trainers may start up to six (6) horses in a year before he or she must fulfill the continuing education requirement. ~~The following qualifications will exempt a trainer from being required to complete the continuing education requirement:~~

- ~~(1) member of the Official National Thoroughbred Racing Hall of Fame or the American Quarter Horse Hall of Fame;~~
- ~~(2) recipient of an Eclipse Award for Trainer of the Year;~~
- ~~(3) trainer of a horse at the time the horse earned an Eclipse Award for Horse of the Year;~~
- ~~(4) trainer of a horse at the time the horse won a Triple Crown race; or~~
- ~~(5) trainer of a horse at the time the horse won a Breeders' Cup World Thoroughbred Championship race.~~

*(Indiana Horse Racing Commission; [71 IAC 5.5-3-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff*



Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); emergency rule filed Aug 20, 2013, 12:31 p.m.: [20130821-IR-071130404ERA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))

SECTION 9. [71 IAC 8.5-8-2](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 8.5-8-2](#) Physical inspection of horses**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

**Sec. 2. (a) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race in which it is entered.**

**(b) The inspection shall be conducted by the official veterinarian or the racing veterinarian.**

**(c) For purposes of carrying out this rule, the agency or the association employing the examining veterinarian(s) shall provide no fewer than two (2) racing veterinarians on association grounds each day that racing is scheduled.**

**(d) Either the trainer of each horse or a representative of the trainer must present the horse for inspection as directed by the racing veterinarian.**

**(e) Horses presented for examination must have:**

- (1) bandages removed; and**
- (2) legs clean.**

**(f) Prior to examination, horses may not:**

- (1) be placed in ice; or**
- (2) have any device or substance applied that impedes veterinary clinical assessment.**

**(g) The assessment of a horse's racing condition shall include:**

- (1) proper identification of each horse inspected;**
- (2) observation of each horse in motion;**
- (3) manual palpation and passive flexion of both forelimbs;**
- (4) visual inspection of the entire horse and assessment of overall condition;**
- (5) clinical observation:**
  - (A) in the paddock and saddling area;**
  - (B) during the post parade;**
  - (C) at the starting gate;**
  - (D) during the running of the race; and**
  - (E) following the race until the horse has exited the race track;**
- (6) any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.**

**(h) The official veterinarian and/or the racing veterinarian shall maintain all scratch slips and prerace examination records for each horse during the race meet. Upon completion of the meet, scratch slips and examination records will be maintained in accordance with commission record retention policies.**

**(i) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds, regardless of entry status.**

**(j) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable**

to make a determination of racing soundness, the veterinarian will recommend to the stewards the horse be scratched.

**(k) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the veterinarian's list.**

*(Indiana Horse Racing Commission; [71 IAC 8.5-8-2](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 10. [71 IAC 10-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 10-2-3](#) Summary suspension**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-21.5-4](#); [IC 4-31-13](#)

Sec. 3. (a) If the judges determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare, or are not in the best interest of racing, or compromise the integrity of operations at a track or satellite facility, the judges may summarily suspend the license pending a hearing pursuant to the provisions of [IC 4-21.5-4](#).

(b) A licensee whose license has been summarily suspended by the judges is entitled to a hearing following a written request by the licensee.

(c) The judges shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling.

~~(d) Notwithstanding the provisions of [71 IAC 10-3-20](#), the commission delegates to the executive director the authority to summarily suspend licenses at any time that a live race meeting is not being conducted on association premises or when the judges are not otherwise available. The commission delegates to the executive director the authority to summarily suspend licenses at satellite facilities at any time. In the event of a summary suspension by the executive director and if the licensee makes a written request for a hearing, a hearing on the summary suspension shall be conducted by the commission or an administrative law judge as quickly as is practicable.~~

*(Indiana Horse Racing Commission; [71 IAC 10-2-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; emergency rule filed Nov 30, 1995, 1:00 p.m.: 19 IR 688; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2426; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 11. [71 IAC 10-2-7](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 10-2-7](#) Ruling**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-21.5-3-1](#); [IC 4-31-13-2](#)

Sec. 7. (a) The issues at a disciplinary hearing shall be decided by a majority vote of the judges. If the vote is not unanimous, the dissenting judge shall include with the record of the hearing a written statement of the reasons for the dissent.

(b) A ruling by the judges must be on a form prescribed by the commission and include the following:

(1) The full name, Social Security number (optional), date of birth, last record address, license type, and license number of the person who is the subject of the hearing.

(2) A statement of the charges against the person, including a reference to the specific section of the Act or rules of the commission that the licensee is found to have violated.



- (3) The date of the hearing and the date the ruling was issued.
- (4) The penalty imposed.
- (5) If there was a settlement **agreement**, the **terms of the** settlement ~~that was agreed to: agreement.~~
- (6) Any changes in the order of finish or purse distribution.
- (7) A statement of the available procedures and time limit for appealing the ruling to the commission.
- (8) Other information required by the commission.

(c) A ruling must be signed by a majority of the judges.

(d) If possible, the judges or their designee shall hand deliver a copy of the ruling to the person who is the subject of the ruling. If hand delivery is not possible, the judges shall mail the ruling to the person's last known address, as found in the commission's licensing files, by regular mail. If the identity, address, or existence of a person is not ascertainable, service shall be made by a single publication in a newspaper of general circulation under [IC 4-21.5-3-1](#). If the ruling includes the disqualification of a horse, the judges shall provide a copy of the ruling to the owner of the horse in the manner provided by this subsection.

(e) At the time the judges inform a person who is the subject of the proceeding of the ruling, the judges shall inform the person of the person's right to appeal the ruling to the commission.

(f) The suspension of a license or the imposition of a civil penalty must occur within ~~sixty (60)~~ **one hundred eighty (180)** days after the date of the violation under [IC 4-31-13-2](#)(b).

(g) All fines imposed by the judges shall be paid to the commission in accordance with [71 IAC 7-5-3](#).

*(Indiana Horse Racing Commission; [71 IAC 10-2-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1199; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1506; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Dec 23, 2013, 1:43 p.m.: [20140108-IR-071130567ERA](#))*

SECTION 12. THE FOLLOWING ARE REPEALED: [71 IAC 3-1-5](#); [71 IAC 3.5-1-6](#).

LSA Document #13-567(E)

Filed with Publisher: December 23, 2013, 1:43 p.m.

Posted: 01/08/2014 by Legislative Services Agency

An [html](#) version of this document.